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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,906	01/28/2005	Uwe Lasebnick	17102/012001	9453
22511	7590	02/27/2006	EXAMINER	
OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010			BOECKMANN, JASON J	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 02/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/523,906

Applicant(s)

LASEBNICK, UWE

Examiner

Jason J. Boeckmann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 11/23/2005 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 112

Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 15, on line 3, the words "nozzle insert is or can be inserted," appear to be indefinite in the fact that nozzle insert either is there or is not there. Numerous dependent claims pertain to the nozzle insert being inserted into the receiving device, therefore, the examiner interprets the claims to mean that the nozzle insert is inserted into the receiving device. The following office action will uphold that claim interpretation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, 12, 13, 15-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Murawa (6,402,052).

Murawa shows a nozzle for a washing system for vehicle windscreens comprising a nozzle body (100), with a receiving device (101), provided in the nozzle body, to which a nozzle insert (120a, 120b) is or can be inserted. The nozzle insert (120a, 120b) influences the jet from a liquid jet leaving the nozzle. The receiving device has at least two inlets (122a, 122b) for cleaning liquid and the nozzle insert is designed such that it influences the cleaning liquid coming from one inlet in a different manner from another inlet. In regards to claims 2, 3 4 and 22, the nozzle body (100) can be fitted with different nozzle inserts to produce various types of jets well known in the art. (column 2, lines 57-8). With respect to claims 5 and 6, the nozzle (100) blocks the cleaning liquid coming from inlet 122b when the cleaning liquid is flowing through inlet 22a. Also the cleaning liquid from one inlet (122a) does not mix with the cleaning liquid from the other inlet (122b). In regards to claims 12 and 13, the inlets (122a, 122b) are perpendicular to the main jet direction of the jet forms to be produced (108a, 108b), and the nozzle insert (120a, 120b) has essentially a cuboid shape. In regards to claim 7, the nozzle insert (120a, 120b) together with at least one wall of the receiving device (101) facing the insert forms a chamber (108a, 108b), which influences the cleaning liquid.

In regards to claims 15-17 and 19, Murawa shows a valve (111), which can be controlled via the pressure of the cleaning liquid (column 5 lines 13-5), that is arranged in the nozzle body (100). The valve (111) has one input (Figure 3), which can be

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connected to a conveying pump (125), via a line (124), and at least two outputs (103a, 103b), wherein each output is connected to an inlet (122a, 122b) of the receiving device. When a low pressure is applied, the valve (111) connects the main input to the first output (103a) and/or to the other output (103b). When high pressure is applied, the valve (111) connects the main input to the other (103b) or to the first output (103a). In regards to claims 18, 23 and 24, in the basic position, the valve (111) separates the input from all outputs. With respect to claims 20, 21 and 25, the conveying pump delivers the cleaning liquid in a controlled manner with varying pressure (column 5, lines 14-7), in which the pressure variation is controlled as a function of the vehicle speed (column 5, lines 46-50 and column 6, lines 15-8).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 8-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murawa (6,402,052) in view of Berning et al (US 2003/0234303).

Murawa shows all the elements of the applicant's invention except for the nozzle insert having whirl chambers, formed together with at least one wall of the receiving device and each connected to separate inlets. However, Berning et al shows a nozzle insert (18) that forms a chamber (28, 30), which influences and/or guides the cleaning liquid. The chamber is a whirl chamber and is connected to an inlet (42) and has at least one jet guide to a nozzle opening (figure 2a). The nozzle insert (18) has a whirl chamber with a jet guide on one side (26), on the other side, opposite the first side, it has a second whirl chamber with a second jet guide (24), wherein the first whirl chamber (26) is connected to a first inlet (42) and the second whirl chamber (24) is connected to a second inlet (44). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to substitute the nozzle insert of Berning et al for that of Murawa in order to include the whirl chambers to atomize the cleaning liquid. With regards to claim 14, Berning's et al nozzle insert (18) is made of plastic and in particular is produced in a molding process (paragraph, 0042 lines 5-8).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murawa (6,402,052) in view of Yoshida et al (6,082,636).

Murawa as set forth in claim 1, shows all the elements of the applicants invention except for the nozzle insert having a breakaway edge for producing a flat jet. However, Yoshida et al shows a breakaway edge (12a) that water is directed towards and a flat jet is produced. It would have been obvious to one of ordinary skill in the art at the time of

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the applicant's invention to add the breakaway edge of Yoshida et al to the nozzle insert of Murawa in order to produce a flat jet and spray a larger area on the windscreen.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason J. Boeckmann whose telephone number is (571) 272-2708. The examiner can normally be reached on 7:30 - 5:00 m-f, first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JJB JJB 2-21-06


David A. Scherbel
Supervisory Patent Examiner
Group 3700